

IN THE CIRCUIT COURT OF THE
NINETEENTH JUDICIAL CIRCUIT IN AND
FOR INDIAN RIVER COUNTY, FLORIDA

CASE NO.

CANDA BROWN, as Guardian ad Litem
of DT, a minor child,

20080029 CA 11
ASSIGNED TO ROBERT A. HAWLEY

Plaintiff,

v.

HIBISCUS CHILDREN'S CENTER, INC.,
a Florida corporation, and FLORIDA
DEPARTMENT OF CHILDREN AND
FAMILIES,

Defendants.

FILED FOR RECORD
INDIAN RIVER COUNTY
2008 JAN -4 PM 12:20
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COMPLAINT

Plaintiff, CANDA BROWN, as Guardian ad Litem of DT, a minor child, sues
Defendants, HIBISCUS CHILDREN'S CENTER, INC., a Florida corporation, and FLORIDA
DEPARTMENT OF CHILDREN AND FAMILIES, and alleges:

1. This is an action for damages which exceed \$15,000.00, exclusive of costs, interest and attorneys' fees.
2. Plaintiff, CANDA BROWN, as Guardian ad Litem of DT, a minor child, at all times material to this action, was a resident of Indian River County, Florida.
3. Defendant, HIBISCUS CHILDREN'S CENTER, INC., at all times material to this action, was a corporation registered to do and doing business in Indian River County, Florida.

4. Defendant, FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES, at all times material to this action, was a governmental agency doing business in Indian River County, Florida.

5. On or about August 21, 2005, Plaintiff, DT, a minor child, was placed into the care, custody and control of Defendant, HIBISCUS CHILDREN'S CENTER, INC., by Defendant, FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES.

6. While in the assessment center at Defendant, HIBISCUS CHILDREN'S CENTER, INC.'S facility, a male child who was also in the assessment center for re-assignment to a new home committed a sexual battery upon the Plaintiff, DT, a minor child.

7. Plaintiff filed a Notice of Claim against Defendant, HIBISCUS CHILDREN'S CENTER, INC., pursuant to F.S. §768.28, and Plaintiff has complied with all conditions precedent to bringing suit against Defendant, HIBISCUS CHILDREN'S CENTER, INC.

8. Plaintiff filed a Notice of Claim against Defendant, FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES, pursuant to F.S. §768.28, and Plaintiff has complied with all conditions precedent to bringing suit against Defendant, FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES.

COUNT I

NEGLIGENCE CLAIM AGAINST HIBISCUS CHILDREN'S CENTER, INC.

9. On or about August 21, 2005, Plaintiff, DT, a minor child, was placed in the care, custody and control of Defendant, HIBISCUS CHILDREN'S CENTER, INC., by Defendant, DEPARTMENT OF CHILDREN AND FAMILIES.

10. At all times material hereto, the Defendant, HIBISCUS CHILDREN'S CENTER, INC., had a duty as to ordinary persons to use reasonable care to watch over, supervise and protect the Plaintiff, DT, a minor child, from foreseeable hazards and harm.

11. The Defendant, HIBISCUS CHILDREN'S CENTER, INC., breached its duty to the minor Plaintiff, DT, by failing to exercise its responsibility to watch over, supervise, and protect the Plaintiff, DT, a minor child, by exposing the minor Plaintiff, DT, to unnecessary risk of bodily and emotional harm.

12. While in the care, custody and control of Defendant, HIBISCUS CHILDREN'S CENTER, INC.'S facility, a male child who was also in Defendant's assessment center for re-assignment to a new home committed a sexual battery upon the Plaintiff, DT, a minor child.

13. As a result of the aforementioned negligence, Plaintiff, DT, a minor child, suffered bodily injury and resulting pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of ability to earn money, and aggravation of a previously existing condition. The losses are permanent and continuing, and Plaintiff will suffer the losses in the future.

WHEREFORE, Plaintiff, CANDIA BROWN, as Guardian ad Litem of DT, a minor child, demands judgment against Defendant, HIBISCUS CHILDREN'S CENTER, INC., for damages, costs of this action, trial by jury and such other and further relief as this Court may deem meet and just.

COUNT II

NEGLIGENCE CLAIM AGAINST FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES

14. On or about August 21, 2005, Plaintiff, DT, a minor child, was placed in the care, custody and control of Defendant, HIBISCUS CHILDREN'S CENTER, INC., by Defendant, FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES.

15. At all times material hereto, the Defendant, FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES, had a duty as to ordinary persons to use reasonable care to watch over, supervise and protect the minor Plaintiff, DT, from foreseeable hazards and harm.

16. The Defendant, FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES, breached its duty to the minor Plaintiff, DT, by failing to exercise its responsibility to watch over, supervise, and protect the minor Plaintiff, DT, by exposing the minor Plaintiff, DT, to unnecessary risk of bodily and emotional harm.

17. While in the care, custody and control of Defendant, FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES' facility, a male child who was also in Defendant's assessment center for re-assignment to a new home committed a sexual battery upon the Plaintiff, DT, a minor child.

18. As a result of the aforementioned negligence, Plaintiff, DT, a minor child, suffered bodily injury and resulting pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of ability to earn money, and aggravation of a previously existing condition. The losses are permanent and continuing, and Plaintiff will suffer the losses in the future.

WHEREFORE, Plaintiff, CANDIA BROWN, as Guardian ad Litem of DT, a minor child, demands judgment against Defendant, FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES, for damages, costs of this action, trial by jury and such other and further relief as this Court may deem meet and just.

DATED this 4th day of January, 2008.

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By: 

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